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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,160	11/19/2001	Petri Parni	3397-107PUS	6309

7590

09/01/2004

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary

Application No.

09/937,160

Applicant(s)

PARNI ET AL.

Examiner

Laura E. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Kashiwabara et al (US 5,820,935) for reasons mentioned in the office action dated 9/5/03. Also, note that Kashiwabara et al recognize in col. 2, lines 35-38 that the bar or roller is supported on the support member "directly" or through a fluid such that the bar or rod is capable of rotating in contact with a coated surface layer adhered to the cradle or support member.

Claim Rejections - 35 USC § 103

Claims 11, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwabara et al (US 5,820,935) as applied to claim 10 above and further in view Montgomery et al (US 2,695,004) and Sendzimir (US 3,602,556) for reasons mentioned in the office action dated 9/5/03.

Claims 12, 13, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwabara et al (US 5,820,935) in view of Montgomery et al (US 2,695,004), Sendzimir (US 3,602,556) and Warner (US 2,729,192) for reasons mentioned in the office action dated 9/5/03.

Claims 11-13 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwabara et al (US 5,820,935) as applied to claim 10 above and further in view of

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Montgomery et al (US 2,695,004) and Strange et al (US 4,094,749) for reasons mentioned in the office action dated 9/5/03.

Claims 11, 26-27, 40-41 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwabara et al (US 5,820,935) as applied to claim 10 above and further in view of Montgomery et al (US 2,695,004) and Nalband (US 3,942,230) for reasons mentioned in the office action dated 9/5/03.

Claims 11-13, 18-21, 30-33, 37, 42-45, 49 and 60-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwabara et al (US 5,820,935) in view of Montgomery et al (US 2,695,004) and Noda et al (US 5,108,813) for reasons mentioned in the office action dated 9/5/03.

Claims 12, 18, 30, 36, 42, 48, 60, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwabara et al (US 5,820,935) in view of Noda et al (US 5,108,813) for reasons mentioned in the office action dated 9/5/03.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwabara et al (US 5,820,935) as applied to claim 10 above and further in view of Sendzimir (US 3,602,556) for reasons mentioned in the office action dated 9/5/03.

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Claims 10-17, 22-25, 42-47, 50, 51, 54-57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warner (US 2,729, 192) in view of Demo, Jr. et al (US 3,839,024) and optionally Dawes et al (US 4,596,611) for reasons mentioned in the office action dated 9/5/03.

Claims 30-35, 38, 39 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warner (US 2,729,192), Demo, Jr. et al (US 3,839,024) and optionally Dawes et al (US 4,596,611) as applied to claims 10-15, 22, 23 and 55 above and further in view of Leyendecker et al (US 5,272,014) for reasons mentioned in the office action dated 9/5/03.

Response to Arguments

Applicants' arguments filed 3/10/04 have been fully considered but they are not persuasive.

Applicants contend that the Kashiwabara rod does not contact the surface of the cradle but floats on a liquid layer formed between the rod and the cradle. This argument is not deemed persuasive because Kashiwabara recognizes in 2, lines 35-38, that the bar or roller can be supported directly on the support member.

Applicants contend that the supplemental references including Montgomery and Noda do not supply the elements missing from Kashiwabara, which are recited in independent claim 60. However, this argument is not deemed persuasive because the supplemental references support that which is known in the art of wear resistant coatings used in mating parts. One of ordinary skill in the art would recognize the use of known wear resistant coatings in application to the

coating system of Kashiwabara for the known wear resistant benefits of the coatings used on the mating parts.

Applicants contend that Warner teaches only that the rod is coated with chromium for wear resistance and nothing in Warner would lead or suggest to one of ordinary skill in the art to also coat the socket surface with a wear resistant coating as suggested by Demo to improve wear resistance. This argument is not deemed persuasive because while Warner does not elaborate on ways in which the lifetime of the rod and socket can be extended, Demo provides motivation for one seeking to improve the lifetime of sliding or friction bearing parts via the use of wear resistant coatings for both surfaces such that in providing the wear resistant coating on both the rod and socket of Warner, one would save money which is the ultimate goal.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Edwards whose telephone number is (571) 272-1227.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura E. Edwards
Primary Examiner
Art Unit 1734

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August 30, 2004